

United States District Court
Western District of Wisconsin
Robert W. Kastenmeier Courthouse
120 N. Henry Street, Rm. 540
Post Office Box 591
Madison, Wisconsin 53701

Chambers of
Barbara B. Crabb
District Judge

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July 12, 2010

David A. Geier
LaRowe, Gerlach & Roy, LLP
3 N. Pinckney Street
P.O. Box 511
Madison , WI 53701-0511

Re: Arlandis C. Issac; 09-cr-119-bbc

Dear Mr. Geier,

In your letter motion of June 25, 2010, you asked about re-sentencing in Mr. Issac's case to give him credit for the time he is serving in Wisconsin for the revocation of his state probation status. It's a complicated question. Sentencing courts lose their authority to change a sentence as soon as it's imposed (unless, of course, the government moves under Rule 35 for modification or if the sentence is reversed on appeal and remanded). One possibility is for Mr. Issac to move under 28 U.S.C. § 2255 for vacation of the sentence on the ground of ineffectiveness of counsel (overlooking the revocation). If I agreed that this was constitutionally ineffective assistance, I could grant the motion, vacate the sentence and re-sentence Mr. Issac. It's not the most palatable solution and I'm not sure that the oversight would amount to genuine ineffectiveness, but I don't have any better ideas.

Very truly yours,

/s/

Barbara B. Crabb
District Judge

BBC:skv
cc: Elizabeth Altman